



KENTUCKY STATE BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING January 16-17, 2008

Board Members Present: Debra Turner, PT, Chair
Ron Barbato, PT
Troy Grubb, PT
Kristie Cochrane, PT
Margaret Blain, PT
Peggy Block, PT

Board Staff: Rebecca E. Klusch, Executive Director
Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Guests: Jennifer Padgett, Bellarmine student

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 1:00 p.m., Wednesday, January 16, 2008, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. All in favor 2/0. The committee meeting adjourned at 2:00 p.m.

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 2:00 p.m., Wednesday, January 16, 2008, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Ron Barbato to come out of closed session, seconded by Ron Barbato. All in favor 2/0. The committee meeting adjourned at 5:10 p.m.

A meeting of the Kentucky State Board of Physical Therapy was called to order by Board Chair, Debra Turner, at 9:10 a.m., Thursday, January 17, 2008, at the Board office. A quorum was present.

Motion was made by Margaret Blain, seconded by Kristie Cochrane to approve the minutes as amended of the November 16, 2007, Board Meeting. Motion carried.

Complaint Committee

Kentucky Board of Physical Therapy v Dubin Orthopaedic Centre, P.S.C. under Discretionary Review to the Kentucky Supreme Court.

C2006-20 Case is ongoing.

C2007-01 *KSBPT v. Ron Cole, PT* - Hearing is scheduled for January 29-30, 2008, at the Board office.

C2007-06 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-30 Case is ongoing.

C2007-36 Case is ongoing.

C2007-37 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to deem the Notice of Immediate Temporary Suspension as a Permanent Suspension of Kentucky certificate. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to approve the following six Settlement Agreements that were signed and dated involving continued competency violations. The recommendation was seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

CE2007-41 Brittanie Brown, PTA-A02236
CE2007-46 Jon-Mark French, PTA-A01127
CE2007-62 Tanna Marie Zimmerman, PTA-A01638
CE2007-64 Thomas Patrick Billingsley, PT-004756
CE2007-79 Rey Adonis Lao, PT-003679
CE2007-83 Laura Miller, PT-005054
CE2007-88 Hilbert Tracy Potter, PT-004263

The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to approve the following three Settlement Agreements of Voluntary Surrender of License as if Revoked that were signed and dated involving continued competency violations. The recommendation was seconded by Margaret Blain. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

CE2007-38 Stephanie A. Anderson, PTA-A01381
CE2007-58 Kenneth W. Rutherford, PTA-A01815
CE2007-105 Helen J. Livingston, PT-004694

KBPT v. Ericka Black, PTA, Agency Case No. C2007-39, Administrative Action No. 07-KBPT-0487 – Michael Head, Hearing Officer, appeared on behalf of the Board, and no appearance was made by Ms. Black. After confirming service of process of the Notice of Administrative Hearing and Show Cause Order, Ron Barbato made a motion, seconded by Troy Grubb, to Revoke by Default the Physical Therapist Assistant Certificate for Ericka Black for continued competency violations. Motion carried. The Hearing Officer shall draft and file a tendered Final Order for the Chair of the Board to sign and serve upon Ms. Black.

C2007-96 Case is ongoing.

C2007-97 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Notice of Administrative Hearing and Order. Settlement Authority was given to Board counsel. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-98 Case is ongoing.

C2007-102 A, B, C, D Cases are ongoing

C2007-103 Case is ongoing

BIC2007-104 Case is Ongoing

C2008-01 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-02 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authorize a Cease & Desist Affidavit if deemed a violation of KRS 327. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-03 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authorize a Cease & Desist Affidavit if deemed a violation of KRS 327. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-04 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authorize a Cease & Desist Affidavit if deemed a violation of KRS 327. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-05 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authorize a Cease & Desist Affidavit if deemed a violation of KRS 327. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2008-06 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

Applicant Jack Jacobs met in person with the Board to discuss his pending application and criminal records history that he properly disclosed, as well as a CourtNet check by the Board. The Board approved his application and declined to deny the application at this time based on any information in the Board's possession regarding the criminal records history.

Update on Monitoring Probations

Update on monitoring probations were given for the following with approval: Charles Buster, PTA (final report), Bruce Taylor, PT, Shayne Ferguson, PT (final report), and Mark Portaro, PT.

Board and Administrative Business

The Board reviewed the Board of Chiropractic Regulation 201 KAR 21:070 regarding the use of "Physiotherapy" examination section. Ron Barbato and Mark Brengelman will represent the Board at the Chiropractic Board meeting on January 24, 2008, in Glasgow.

Ron Barbato made a motion, seconded by Troy Grubb, to file a Bill with the General Assembly to amend KRS 030 and 040. Motion carried.

Peggy Block made a motion, seconded by Ron Barbato, to send a letter regarding the Board's opposition of HB112 that could restrict the Board's ability to belong to national organizations that are related to the regulation and practice of physical therapy. Motion carried.

Other Board Matters

Ron Barbato reported there was no new information regarding the KPTA RFP (Referral for Profit) task force.

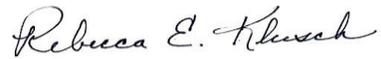
Margaret Blain, liaison to the KPTA, made a report on KPTA Board news.

Board members reviewed the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the year-to-date financial statement and discussed the possibility of raising the renewal fee but at this time, are not willing to request the increase.

A motion was made by Ron Barbato, seconded by Kristie Cochrane, to adjourn the meeting at 2:45 p.m. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rebecca E. Klusch".

Rebecca E. Klusch
Executive Director